

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SCHIAVONE CONSTRUCTION CO., : 08 CV 2523 (LAP)  
INC., et al.,Plaintiffs, : ORDER

v. :

LIBERTY MUTUAL INSURANCE :  
COMPANY,Defendant. :  
-----X

LORETTA A. PRESKA, United States District Judge:

After consultation with counsel at the initial pretrial conference held May 1, 2008, it was agreed that:

- 1) In light of the underlying construction case pending in Bronx County, counsel will discuss the scope of initial disclosures. In all likelihood, the parties will exclude from their initial disclosure documents relating to the underlying construction dispute.
- 2) Liberty will produce its claim file to Schiavone within three weeks of today's date.
- 3) Schiavone will arrange to have Liberty added to the service list in the underlying Bronx construction action and will produce to Liberty the document requests, responses thereto and documents produced in the Bronx action.

- 4) The parties will conduct discovery relating to the underlying construction facts simultaneously with such discovery in the underlying Bronx action.
- 5) Within five weeks of today's date, Schiavone will inform the Court by letter of its position on Liberty's proposed motion to dismiss the tort claim herein.
- 6) When a judge is designated in the underlying Bronx action, counsel will so inform the Court so that the Court can request that that judge consolidate the underlying construction discovery with discovery on those topics in this case.
- 7) Counsel shall confer and inform the Court by letter no later than October 1, 2008 of the status of both this action and the underlying Bronx action.

SO ORDERED:

Dated: May 1, 2008

  
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LORETTA A. PRESKA, U.S.D.J.

schiavoneorder